

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

BOARDS OF TRUSTEES OF
OHIO LABORERS' FRINGE
BENEFIT PROGRAMS,

Plaintiffs,

v.

E.R. ZEILER EXCAVATING,
INC.,

Defendant.

Case No. 2:12-cv-1003
Judge Smith
Magistrate Judge King

ORDER

On January 3, 2013, after conferring with counsel for plaintiffs and with defendant's president, the Court advised that a corporation, which is an independent legal entity, cannot appear in federal litigation except through an attorney. *Order*, Doc. No. 9, pp. 1-2. The Court scheduled a preliminary pretrial conference for March 7, 2013 and specifically advised that the defendant corporation must participate in that conference only through counsel licensed to practice before this Court. *Id.* at 2. The Court further advised that the defendant corporation's failure to do so would result in the entry of default against the defendant. *Id.*

On March 7, 2013, no attorney appeared on behalf of the defendant corporation for the preliminary pretrial conference.¹ Accordingly, the Clerk is **DIRECTED** to enter default against the defendant corporation.

¹In addition, neither defendant's president nor anyone else contacted the Court for the conference to advise that counsel had been secured on behalf of the defendant.

Based on the representation of plaintiffs' counsel during the conference, plaintiffs will move for default judgment within the next fourteen (14) days.

s/George C. Smith
George C. Smith, Judge
United States District Court